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WISCONSIN NEWSPAPER ASSOCIATION

...world's oldest press association, established 1853

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WNA Executive Director
PETER D. FOX

February 17, 2010

Rep. Louis Molepske Jr.
Chair, Assembly Committee on Jobs, the Economy and Small Business
214 North, State Capitol
PO Box 8953
Madison, WI 53708-8953

Dear Chairman Molepske:

The members of the Wisconsin Newspaper Association (WNA) appreciate the opportunity to comment on 2009 Assembly Bill 707 regarding self-service storage facilities and procedures. While WNA supports the rationale behind the bill, we believe that new language entered into Section 9 is imprecise and would result in significant public confusion. Our recommendation is that this language be removed in its entirety.

Under current law, an advertisement of the sale of abandoned property must be published as a Class 2 notice – that is, one insertion over two consecutive weeks – in a newspaper of general circulation. The new language reduces that public notice to only one week. It also ambiguously allows some sort of posting in two undetermined public locations with no reference as to appropriateness of site or requirement for public awareness. In short, the language is a recipe for rampant uncertainty. Should the postings appear at a gasoline station, grocery store, laundromat, neighborhood tavern or the front office of the storage-facility in question?

The proposed new language also provides some undetermined Internet site as an allowable “public place” for a public posting. Would that posting be on Facebook, Twitter, LinkedIn, Yahoo, Google or on one of the other countless sites that exist on the World Wide Web? The proposed new language and intent of this provision are so vague as to be meaningless. SECTION 9 of AB 707 (page 4, lines 22-25 and page 5, lines 1-2) should be removed in its entirety.

Sincerely,

Peter D. Fox
Executive Director



February 17, 2010

Assembly Committee on Jobs, the Economy and Small Business

Assembly Bill 707

Representative Peter Barca

Chairman Molepske and members of the Assembly Committee on Jobs, the Economy and Small Business, thank you for holding a public hearing on Assembly Bill 707, which will modernize the state's lien laws for self storage facilities.

Self storage or self-service storage facilities offer an opportunity for individuals to safely house and protect their belongings when they need a location to store them. In addition to those who simply have a need to store excess items, people frequently rent units when they are moving into a new home, getting married or around other life events. The self storage operators themselves are often local small business owners.

I had authored legislation to establish a lien law for self storage owners in my previous tenure in the legislature. That law established a method for facility owners to sell abandoned property from individuals who had stopped paying the rent on their self storage unit. Over time other issues have come to light and now it is time to modify this law to address these concerns so that our laws work better for the self storage owners and their customers. This proposal makes a series of changes intended to update the law and to allow for further options for the business to contact the renters.

Under this bill, if a rental agreement contains a limit on the value of the property that may be stored in the renter's storage unit, the limit can be assumed to be the maximum value of the property stored in that space. The owner must make this clear to the renter in the agreement at the time the rental agreement is signed.

If the fair market value of the property in the abandoned unit is under \$100, the owner may donate the property to charity or dispose of the property. Often times the property that is left behind are broken couches or other junk items that would be difficult to sell at a lien law sale. This is based on a similar law in the state of Washington which sets a \$300 limit on the value of the property.

Current law requires that owners must advertise a lien law sale of property once a week for two consecutive weeks by publication in a newspaper of general circulation. This bill allows for the owner to publish once in a newspaper of general circulation and in two public places. The internet may be used as one of these public places.

When noticing such a sale, current law requires that the notice list the unit number where the property is being held. This bill removes this requirement. Because notices often list items

that are located within the unit, such as televisions or other equipment, this provision is intended to prevent break-ins at storage facilities.

When sending notices to a renter that has failed to pay their rental fees, current law requires the second notice to be sent via certified mail. This bill allows for the option to send second notice to be sent either via certified mail or first class mail with a certificate of mailing.

Under most areas of the law if a person suffers a loss as the result of a violation of a statute they may sue for the loss incurred, plus costs, and statutory attorney fees. However, the current self storage law allows individuals to sue for reasonable attorneys fees, which generally are higher than statutory attorney fees. This bill narrows the attorney fees that an individual can collect in civil court to statutory attorney fees.

Finally, the bill bolsters the common law definition of a commercially reasonable sale by offering two methods that would expressly meet the commercially reasonable definition.

Thank you for your time today and I would appreciate your support when Assembly Bill 707 comes for a vote before this committee.



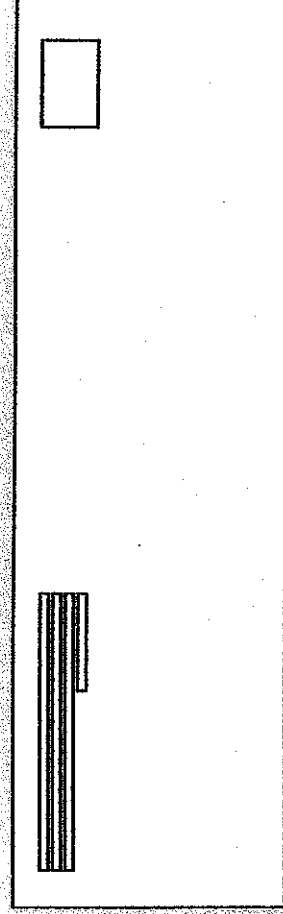
Assembly Bill 707

Wisconsin Self Storage Association Lien law reform

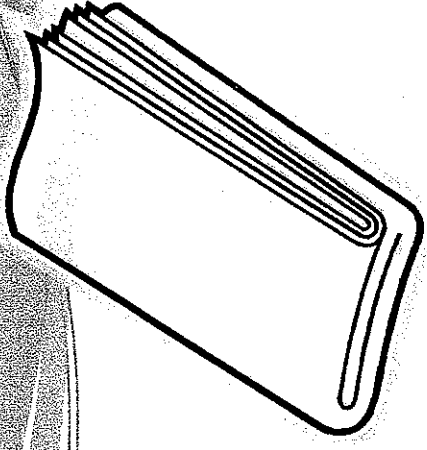
- Wisconsin Self Storage Association Lien law reform
- Adding option of 1st class mailing
- Adding an option for advertising the sale
- Adding a disposal clause if items left are less than \$100
- Deleting the storage unit number in the publication of the sale
- Adding a definition of commercially reasonable
- Adding a limit of value

Notice of mailing

- Old way 2nd notice sent by certified mail to the last known address
- Change the mailing of first class with a certificate Or certified mail to the last know address



Advertisement of sale



- Old way- advertise in the newspaper once a week for two consecutive weeks by publication in a newspaper of general circulation where the facility is located
- Change- added a choice of advertise the sale of personal property by publishing one notice in the newspaper of general circulation where the facility is located in addition to a public place likely to give notice and include the internet as a public place. The WSSA (Wisconsin Self Storage Association) now has a place located on the main page of their website for members to do this.

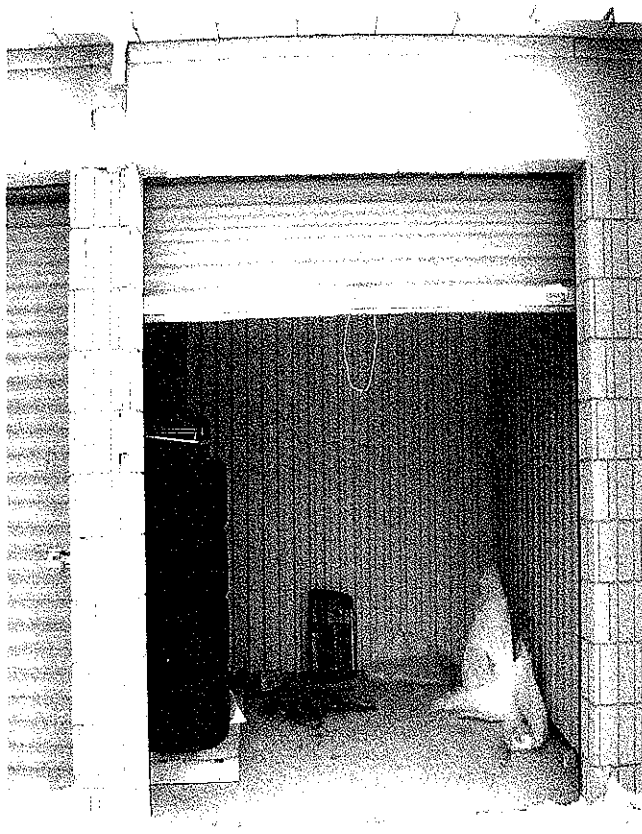
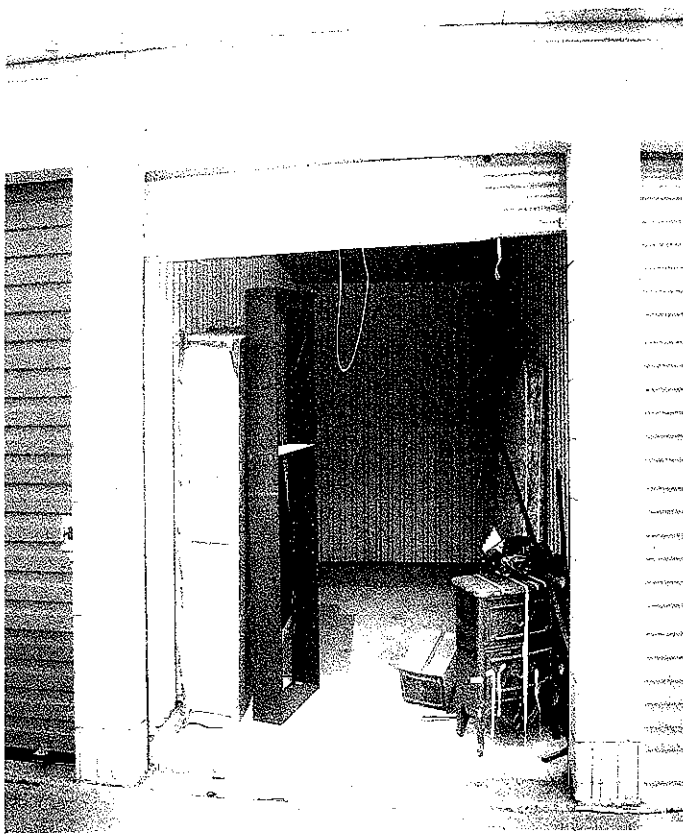


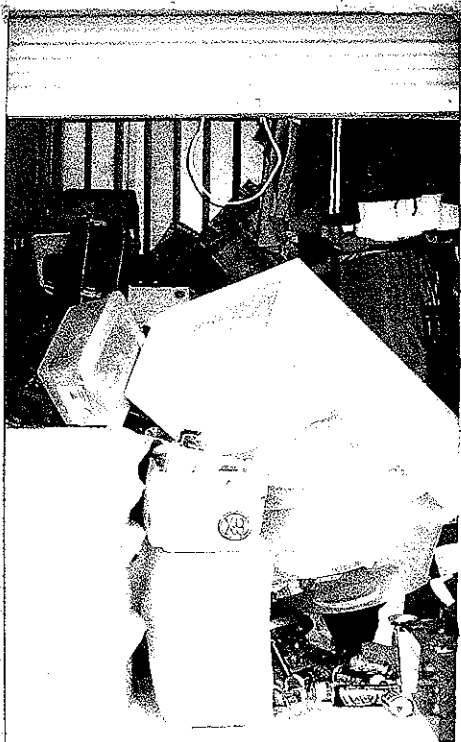
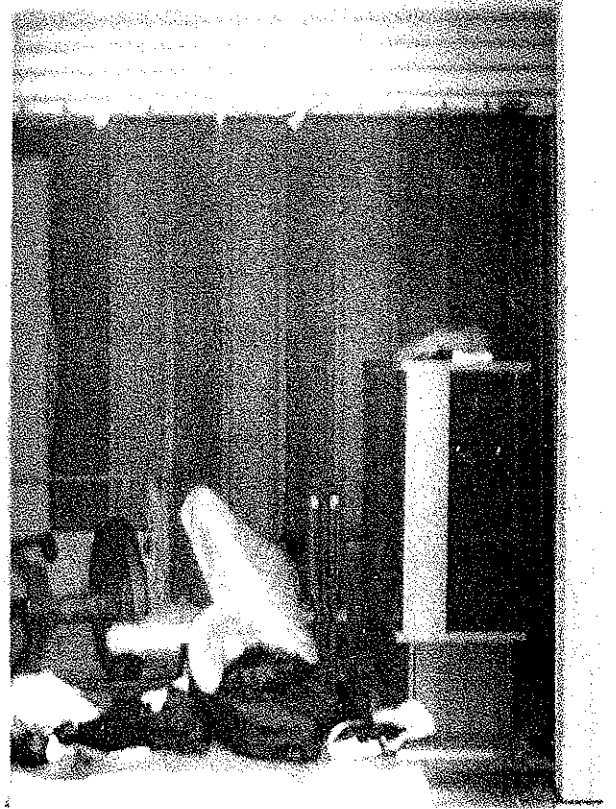
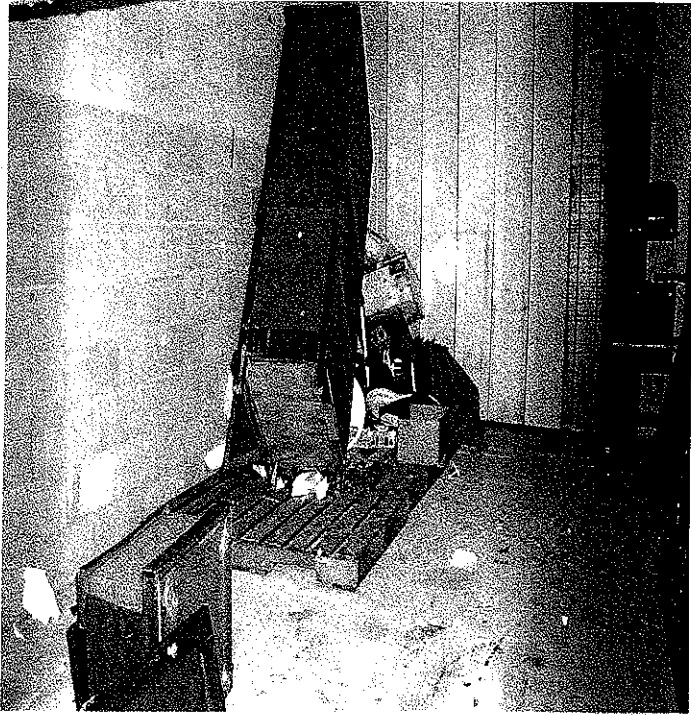
DISPOSAL CLAUSE

- If the property in the storage unit is worth less than \$100.00, the bill allows the facility to dispose of the items after proper notice.**
- disposing of the items means to donate, recycle, remove, put in the garbage**

I have included pictures of items that were abandoned in a storage unit. Under the new lien law reform these items could have been dumped and saved the tenant money incurred by sale charges, IE cutting the lock, inventory, mailing charges, advertising charges.

This change would benefit the consumer and the storage owners. It's a win win!





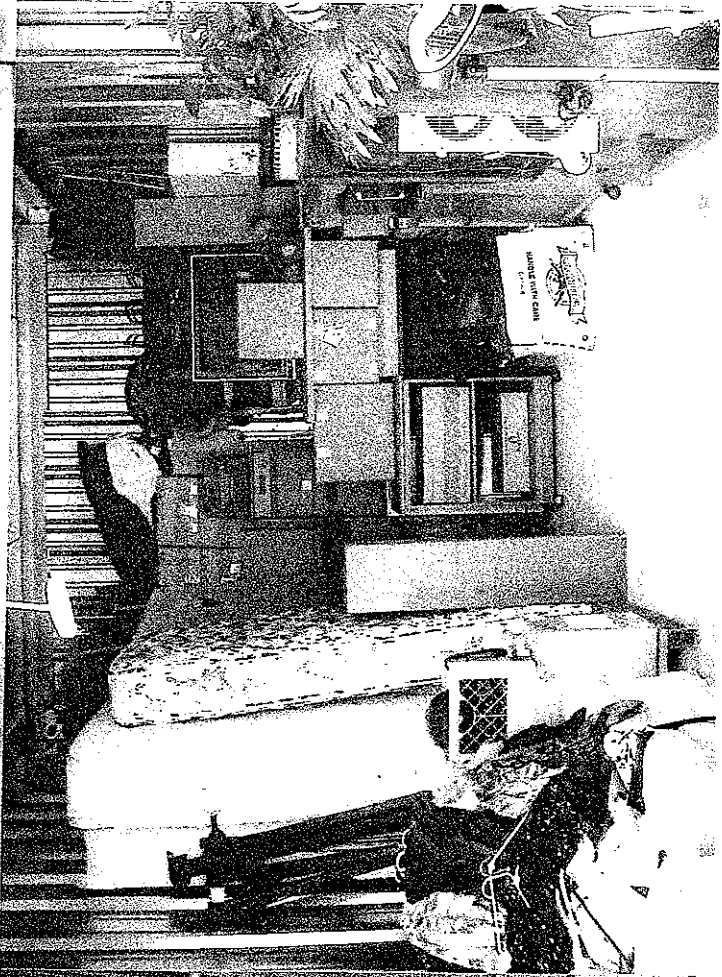
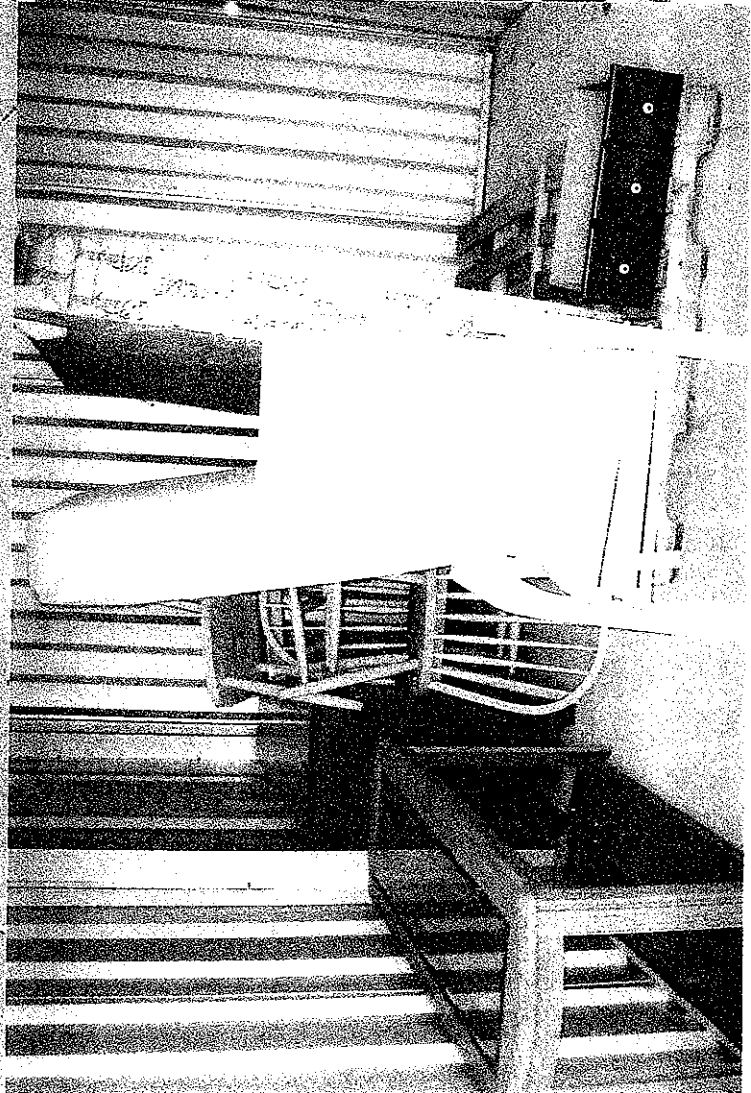
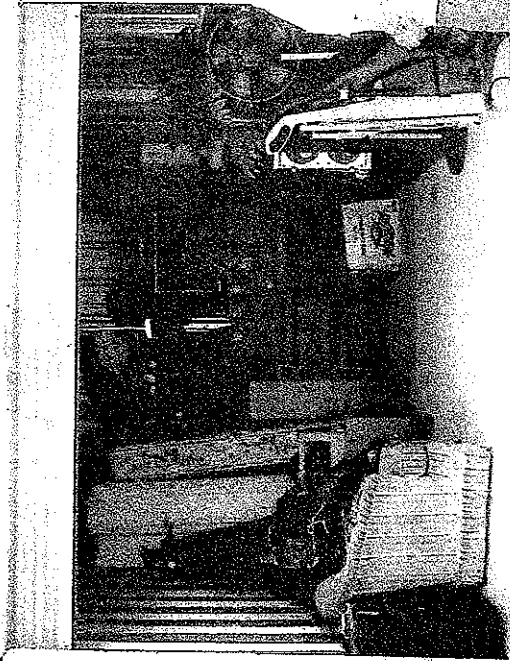
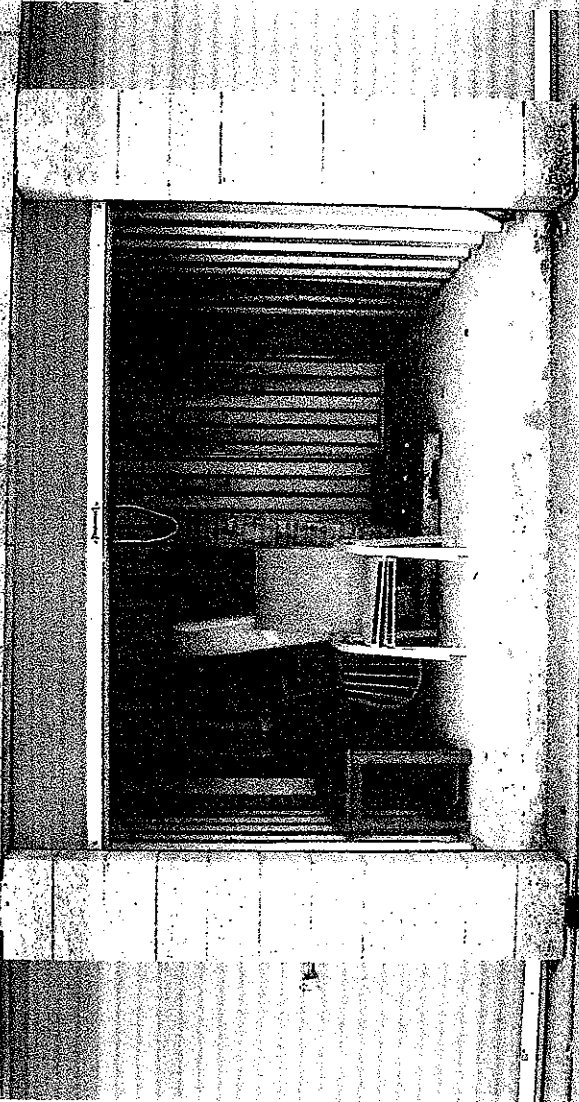
Sale Saturday June 6, 2009

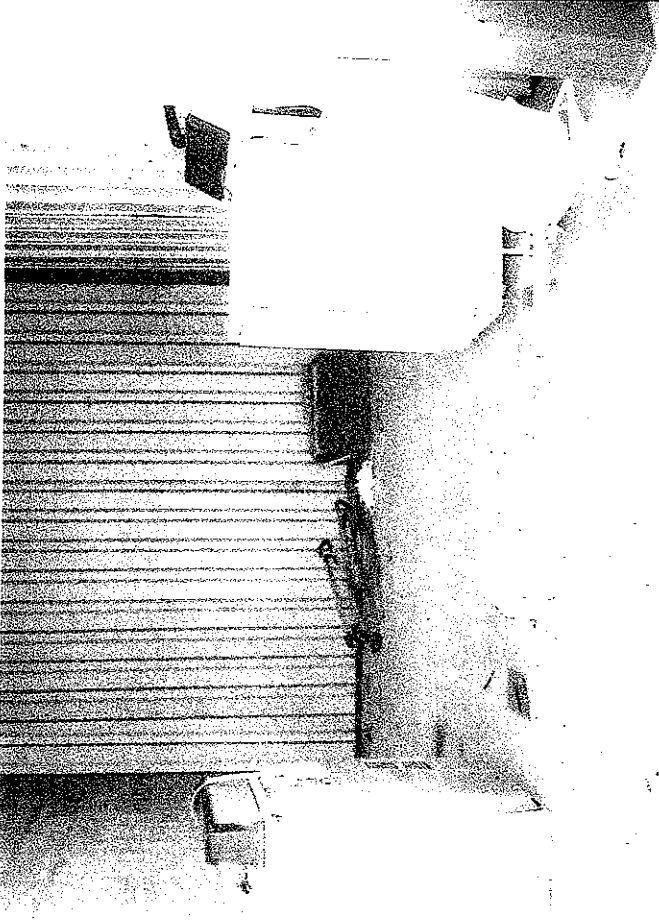
NAME	33	83	118	178	187	330	334	410	463	487	655	689
CRYSTAL FINK	107.51	51.75		49.81				101.51		21.51	75.51	
BEN DILLIN												
KATHY WHITE	165-											
ART LOPEZ		33.27		44.82								
STEVE HARDING												
CHRIS SCHMIDT	226.14		350.29					71-				
ELDON MOORE		160.62	120.18	58.26				101.76	85.01			61.76
DELORES SEPANSKI	47.50	83-	127.75	61.30	22-		33.30	143.80				34.20
TOM KADDATZ							22.75	138.75	6.50	22.75	22.75	52.50
NANCY WICKLINE		31-					85-					
DOUG MC												
BOSE	5			25.75								
BARB	50.76		10-	5-			27.80	207.50				
CHRISTY GEORGE							5-	15-		5-		
STEVE CIMA	99.50	21-						78.55				
MARY JOHNSON								18.89	15.98	7.89		7.99
DAVID WILK			60-					121-				
MICHAEL RADLOFF					0.01	1-		125-				
BILL THOMAS	20.33	97-	89-			17-	23-	197-		17-		
BRIAN SHOHR			25.50	22.50			18.51	31.10				
BARRY MILLER	49.99	37-						181-				
JIM LARSEN			47.83	52.99			15.99					
BROOK	42.43	118.18	37.47	78.78	21.07			41.07				
SAM HANDY	22.52	22.52	52.52	23.23	20.27	20.27		119.21				
JR		83.83		504	104	15.52	15.52	152.52	1.01	10.19	27.27	6.01
										6.06	2.22	1.56

Highest Bids were \$226.76 - \$118.18 - \$157.51 - \$350.76
 \$22.50 - \$33.30 - \$267.50 - \$15.98 - \$85.01 - \$75.51 - \$61.76

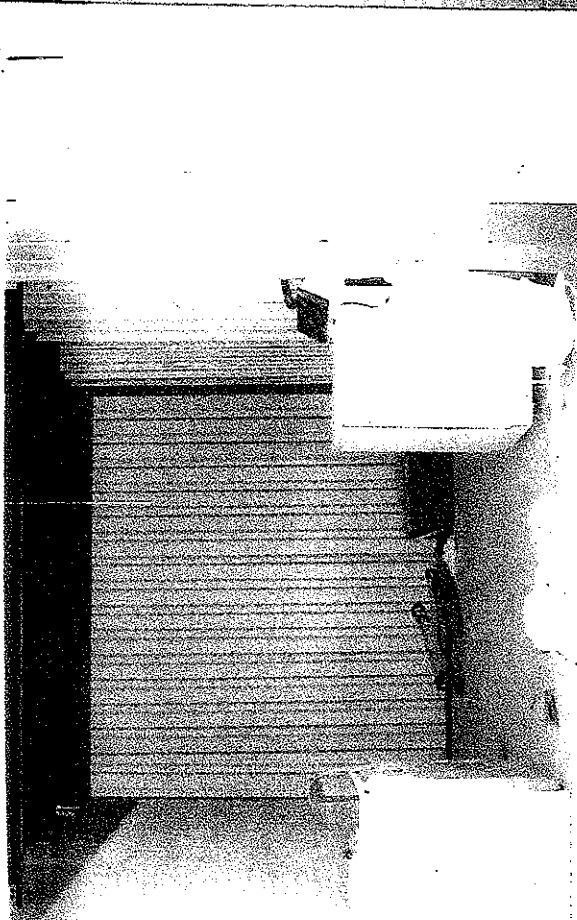
Sold 85.01

Sold 75.51

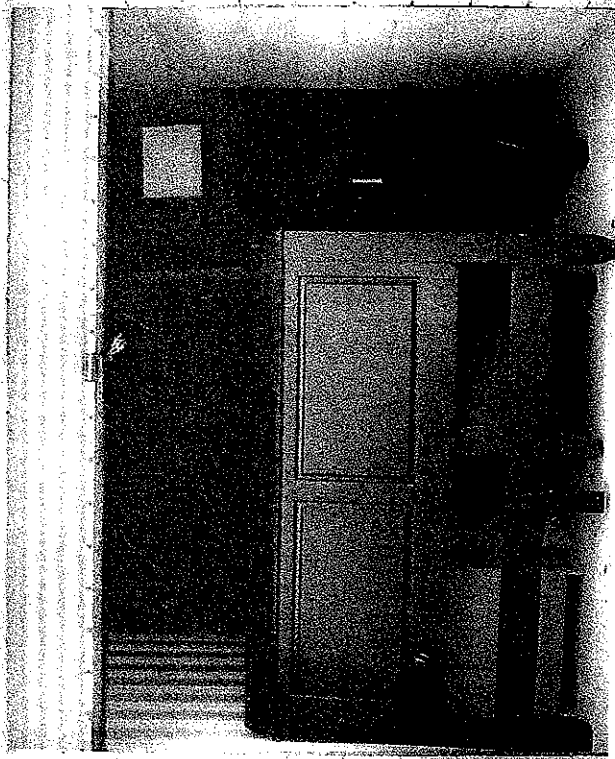




187



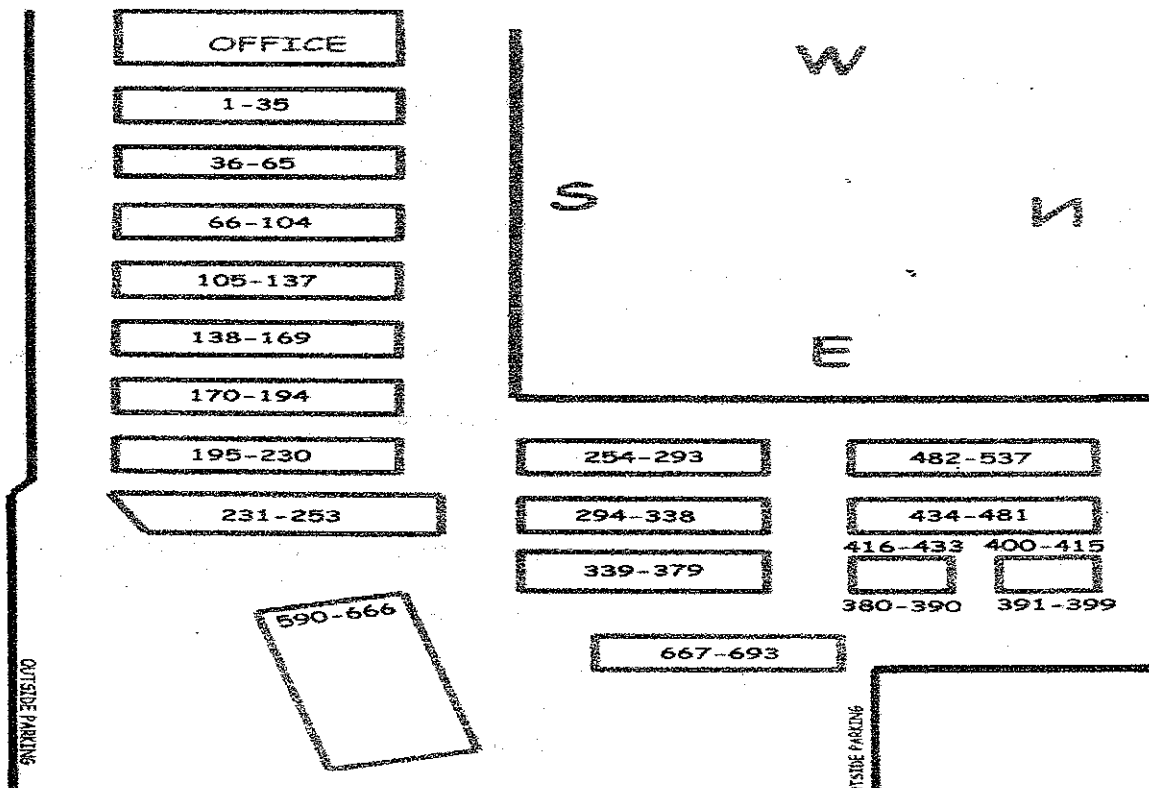
Sold \$22.00



Sold \$226.75

BARTH STORAGE SALE SATURDAY JUNE 6, 2009

BIDDING TIP: MAKE ALL BIDS IN UNEVEN DOLLAR AMOUNTS WITH CHANGE ON THE END (SO WE DON'T GET DUPLICATE BIDS) WELCOME TO OUR SALE AT BARTH STORAGE 7803 60TH AVE KENOSHA, WI. THE WAY OUR SALE WORKS: YOU WALK AROUND OUR STORAGE FACILITY AND LOOK AT ALL THE STORAGE UNITS UP FOR SALE. (YOU CAN NOT DIG THRU THE UNITS OR TOUCH THE ITEMS.) PLACE A BID ON THE UNIT(S) THAT YOU ARE INTERESTED IN. HAND THE SEALED BID IN BY 9:30 AM! THE HIGHEST BIDDER WILL BE NOTIFIED AROUND 9:45 AM ON SATURDAY. YOU WILL HAVE THE WEEKEND TO REMOVE ALL THE ITEMS IN THE STORAGE UNIT. ANY ITEMS LEFT IN THE STORAGE ON MONDAY JUNE 8, 2009 WILL BECOME THE PROPERTY OF BARTH STORAGE AND YOU WILL BE CHARGED HAULING AND CLEANING FEES. (AND SENT TO A COLLECTION AGENCY) ALL BIDS ARE FINAL. BARTH STORAGE HAS THE RIGHT TO SET A MINIMUM BID. THANK YOU FOR COMING.



BARTH STORAGE SALE SATURDAY JUNE 6, 2009

BIDDING TIP: MAKE ALL BIDS IN UNEVEN DOLLAR AMOUNTS WITH CHANGE AT THE END. (SO WE DON'T GET DUPLICATE BIDS) WELCOME TO OUR SALE AT BARTH STORAGE 7803 60TH AVE. KENOSHA, WI. THE WAY OUR SALE WORKS: YOU WALK AROUND THE STORAGE FACILITY AND LOOK AT THE STORAGE UNITS UP FOR SALE. (YOU CANNOT TOUCH THE ITEMS) PLACE A BID ON THE UNIT(S) THAT YOU ARE INTERESTED IN. HAND THE SEALED BIDS IN TO THE OFFICE BY 9:30 AM! THE HIGHEST BIDDER WILL BE NOTIFIED AROUND 9:45 AM ON SATURDAY. YOU WILL HAVE THE WEEKEND TO REMOVE ALL OF THE ITEMS IN THE STORAGE UNIT. ANY ITEMS LEFT IN THE STORAGE UNIT ON MONDAY JUNE 6, 2009 WILL BECOME THE PROPERTY OF BARTH STORAGE AND YOU WILL BE CHARGED HAULING AND CLEANING FEES. (AND SENT TO A COLLECTION AGENCY) ALL BIDS ARE FINAL. BARTH STORAGE HAS THE RIGHT TO SET A MINIMUM BID. THANK YOU FOR COMING!

UNIT # 334 BID \$

STUFFED ANIMALS, TV VACUUM

UNIT #33 BID \$

TALL AND SHORT DRESSER, BED HEADBOARD SET

UNIT# 410 BID\$

CABINETS, CLOTHES, GUITAR, CD TAPES

UNIT # 83 BID\$

CONTAINERS BIKE, HEADBOARD

UNIT # 463 BID \$

CMALL COMPUTER DESK, TALL LAMP, CABLE BOX

UNIT #118 BID \$

MICROWAVE, LEATHER COUCH, FISH TANK, RUGS, LAMPS

UNIT # 487 BID\$

UNIT # 178 BID \$

2 OUTDOOR CHAIR, GLASS TABLE, MATTRESS DRESSER

MISC. BOXES

UNIT # 655 BID \$

UNIT # 187 BID \$

2 VACUMMS, MICROWAVE, TV TVSTAND, DRESSER

WASHER, DREYER

UNIT # 689 BID \$

UNIT # 330 BID \$

WORKOUT BENCH, BAR W/ WEIGHTS

CHRISTMAS DECORATIONS

WOULD YOU LIKE TO BE ON OUR MAILING
LIST?

UNIT # 833 BID \$

FISHING BOATW/MOTOR

ADDRESS

NAME

E-MAIL

PHONE

PHONE (262) 657-1000
D-U-N-S 00-809-9337
FAX (262) 657-5101

KENOSHA NEWS

3047 7TH AVENUE
P.O. BOX 190
KENOSHA, WISCONSIN 53141-0190

A DIVISION OF UNITED COMMUNICATIONS CORPORATION

The best things about the Kenosha News are the people who read it and the advertisers who make it possible.

Account: 147582	Date: 05/15/09
Name:	Ad Date: 05/21/09
Company: BARTH STORAGE	Class: 1
Address: 7803 60TH AVE	Ad ID: 739293
KENOSHA, WI 53142	Sales Person: DXA
	W ords: 264
	Agate Lines: 80
	Depth: 7.958
	Inserts: 2
	Blind Box:
Telephone: (262) 694-9090	Original User: SPAURA
Description: NOTICE OF SALE BARTH	

Other Charges:	\$2.00	Net:	\$105.28
Discount:	\$0.00		
Surcharge:	\$0.00	Raid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	7.958	Amount Due:	\$105.28

Publication	Start	Stop	Inserts
KN 05/21/09	05/28/09	2	

Ad Note:

NOTICE OF SALE
BARTH STORAGE
7803 - 60TH AVENUE
KENOSHA WI 53142
IS HOLDING A SALE
OF ABANDONED
PROPERTY
ON SATURDAY JUNE 6TH,
2009
FROM 8:30 A.M. TO
9:30 A.M.
PHONE: 262-694-9090

Unit #349 Harbert
Clausen - 2 Bikes, Boxes,
pictures, wood chair
Unit #333 Joshua Connolly -
tall and short dresser, bed
headboard set
Unit #609 Ricky Edwards -
1964 Oldsmobile Del
Monte 88 VIN
#3SN898M34935B
Unit# 655 Diana Hawkins -
2 Vacuums, microwave,
couch, tv, tv stand, dress-
er
Unit #487 - Cassandra
Kuehn - 2 Outdoor chairs,
dining room chairs, glass
table, mattress set, dress-
er.
Unit #689 - Charlotte
Larsen - Christmas Decora-
tions.
Unit #83 Pamela Lavender
- Peet - Containers, bike,
headboard
Unit #118 Tanaya Loons-
foot - Microwave, Fish
tank, rugs, leather couch,
mattress, lamps
Unit #54 Robert Lynch -
Box Spring, Books, Vacu-
um, mattress, end table
Unit #330 David Melchor -
workout bench, bar with
weights
Unit #527/528 - Michelle
Mortensen - Dining Room
chairs, Fake plant, table,
christmas tree, dresser
Unit #178 Antonio Pealer -
Misc. Boxes
Unit #478 - Nikki Platt -
Agazzi - Christmas Decora-
tions, wine glasses, bar
stools, kitchen cupboard
section, set lights.
Unit #463 Steven Preston
- Small Computer desk, tall
lamp, cable box
Unit #410 Carlos Sanchez
- cabinets, clothes, guitar,
cd tapes
Unit #497/498 - Caryn
Schonscheck - Dresser,
chairs, mirror, outside
tools, decorations
Unit #187 - Samantha
Schroeder - Washer and
dryer.
Unit #334 Justin Wilms -
stuffed animals, tv, vacu-
um
Unit #833 Antonio Wright -
Marquis 2 seat fishing
boat.
VIN #VRBE 10650LMA
with motor.
Published May 21, 28,
2009
WNAXLP

We Appreciate Your Business!
Thank You !

PLEASE SIGN IN FOR SALE

	SALE SAT. JUNE 6, 2009
NAME	Phone #
Dr. Lopez	652-3115
CHRIS Schmidt	909-8514
Mike Radloff	262-770-6913
Cathy White	
Lisa PIRKL	577 5094
Jane Kuehl	
Doug McDaniel	694-5617
DON LOEWEN	6524229
KEVIN GARNETT	652-6050
Bill THOMAS	552 2651
Todd BELLH	694-2648
STEVE HARDING	818-6250
Edna L Moore	262 620-3973
Shirley	496-4310
Connie McDaniell	262-818-6789
DAN COSHNETT	262 6526281
Edna Moore	697-0226
David Wilks	694-9240
Tom KANDATZ	7055709
Jim Larsen	705 4651
Louise Braya	358-0971
STEVEN CIMA	748 5903
Christy George	605-3216 359-0063
Barb Mcke	942-7733
BROOK LAGERWALL	206-6178
PETE MIDDLECAMP	859-2087
Jane Fuchs	694 4006

(27)

PLEASE SIGN IN FOR SALE

SALE SAT. JUNE 6, 2009

NAME

Phone #

Crystal Fink
Pat Trempe

(262) 412-2762
262-605-8272

Veronica hernández
Brian Stohr

262 705 39 90
262 206 7392

Tom Votz

262 948 8006

Nancy Wickline

262 697 4183

Nicole Christensen

262-605-9840

Joy Schiavi
Ben Ollow

847-912-2490

Jon Westland

818-6250

Dolores Sepanick

945-8170

Albert Boae

551-8263

Dawn Krapp

942-2207

Barry Miller

764-5711

Chris Miller

764-5711

Jim Wilson

237-1814

Joanne Kraemer

262-925-9260

58 total Bidders

17

PLEASE SIGN IN FOR SALE

SALE SAT. JUNE 6, 2009

NAME

Phone #

Crystal Fink
Pat Trent

(262) 412-2762
262-605-8872

Veronica hernandez
Brian Stohr

262 705 39 90
262 206 7392

Tom Voths

262 948 8006

Nancy Wickline

262 697 4183

Nicole Christensen

262-605-9840

Joy Schiavi

Ben Dillow

847-912-2890

Jon Westland

818-6250

Dolores Sepanick

945-8170

Albert Boae

551-8263

Dawn Knapp

942-0207

Barry Miller

764-5711

Chris Miller

764-5711

Jim Wilson

237-1814

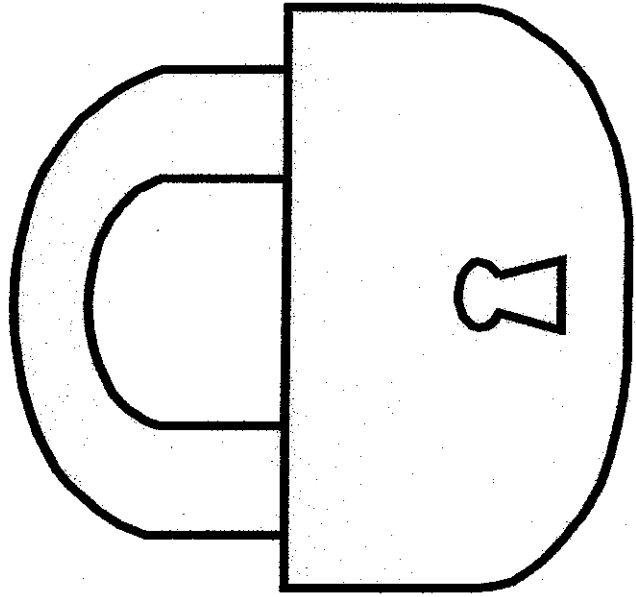
Joanne Kraemer

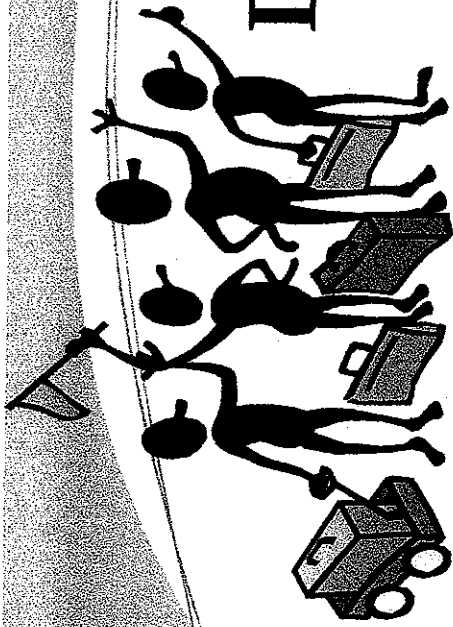
262-925-9260

58 total Bidders

17

- Change of advertising of unit number- you don't have to publish the unit number for security reasons.





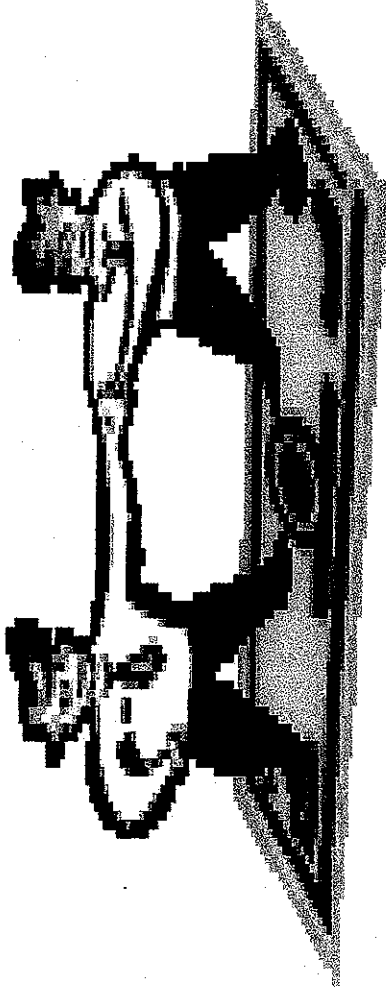
Definition of commercially reasonable

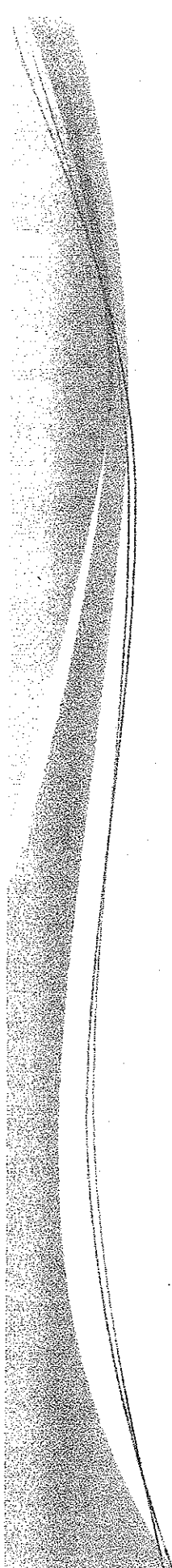
- The personal property is offered either as a single parcel or multiple parcels at a public sale attended by 3 or more Independent BIDDERS
- The personal property has been offer to at least 3 persons who deal in that type of personal property and is sold in a private transaction
- Any other method of the sale provided that the disposition of the personal property is commercially reasonable
- We are also trying to add if the property left in the unit is a value of \$100 or less we can dispose of without sale process




Limit of Value

- Requires a rental agreement that includes a provision that limits the value of property stored to print that provision in **bold type or underlined type** of the same size as the rest of the rental agreement. If such a provision is in the rental agreement that limit is presumed to be the limit.



- 
- **704.90 (12)**
 - Repealed completely the old laws allows a private person to bring a civil action for any damages the person incurs as the result of a violation of the statutory provisions
 - Our rental agreements are with one person.
Our leases also state no subletting



delete



delete

704.90 (12)

- Repealed completely. The old laws allows a private person to bring a civil action for any damages the person incurs as the result of a violation of the statutory provisions
- Our rental agreements are with one person. The problem is all the unknown parties.
- Our leases also state no subletting
- Business need reliable rules and controlling potential loss exposure. This is very important.